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R 170813Z MAY 06  
FM AMEMBASSY LILONGWE  
TO RUEHC/SECSTATE WASHDC 2759  
INFO RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
RUEHLO/AMEMBASSY LONDON 0215  
RUEHFR/AMEMBASSY PARIS 0110  
RUEAIIA/CIA WASHDC  
RUEKDIA/DIA WASHDC  
RUEHLMC/MCC WASHINGTON DC

UNCLAS LILONGWE 000420

SIPDIS

SIPDIS  
SENSITIVE

STATE FOR AF/S GABRIELLE MALLORY  
STATE FOR INR/AA

E.O. 12958: N/A  
TAGS: [PGOV](#) [KDEM](#) [MI](#)  
SUBJECT: VICE PRESIDENT GRANTED BAIL, BUT KEPT UNDER HOUSE  
ARREST

REF: A. 06LILONGWE 406  
[B.](#) 06LILONGWE376  
[C.](#) 06LILONGWE365

[1.](#) (SBU) Summary: The High Court granted Vice President Cassim Chilumpha bail in his treason case on May 15, under the condition that he would remain under house arrest. Chilumpha's two alleged accomplices were released on bail outright after surrendering their passports and putting up just over \$3,500 each. The government plans to challenge the ruling at the Supreme Court, which should be the next step in this politically charged case. The government has yet to produce any tangible evidence backing up its claim that Chilumpha hired an assassin to kill the president. End Summary.

[2.](#) (SBU) The ruling ended the contentious three-day bail hearing, at the onset of which the High Court refused to allow Attorney General Ralph Kasambara to represent the state. Instead, the court insisted that the matter be handled by the Director of Public Prosecution's office, which is responsible for all criminal matters. Kasambara is believed to be the major force behind the government's recent crack-down on political opponents and the media (reftel A).

[3.](#) (SBU) The High Court judge granted bail to the three defendants primarily due to lack of evidence. The government did not produce the tape recordings it claims it has of Chilumpha allegedly plotting the assassination attempt or written testimony from the alleged assassin. The only evidence the prosecution presented was a sworn testimony by a police officer who claimed he had heard Chilumpha's taped conversation with the alleged assassin.

[4.](#) (SBU) Comment: This case is likely to drag on into the foreseeable future, as court cases often do in Malawi's slow-moving judicial system. However it is reassuring to know that Malawi's court system still maintains its objectivity and independence from the executive. We still believe a final verdict on the government's case against the VP must wait until the full evidence is presented in court. That said, the more time that goes by without the government putting forward hard evidence, the more difficult it becomes to believe government allegations. End Comment.  
EASTHAM